

state commerce of "Testo-Glan Male Formula" (regular strength and double strength) and "Fem-Tone Female Formula," or any similar article of drug which would bear a label or would be accompanied by labeling containing false and misleading representations of the nature alleged in the complaint.

**4757. Testo-Glan Male Formula. (Inj. No. 275.)**

**PETITION FILED:** On 9-15-54, in the E. Dist. N. Y., the U. S. attorney filed a petition for an order to show cause why Leo Shine, t/a Glanex Products and Medical Products, Floral Park, N. Y., should not be punished for criminal contempt of the permanent injunction which had been entered against him on 4-19-54 (preceding notice of judgment No. 4756).

**CHARGE:** The petition alleged that, following the entry of the injunction, and between 4-28-54 and 5-27-54, the defendant caused interstate shipments of *Testo-Glan Male Formula* (regular strength and double strength) to be made from Floral Park, N. Y., to Dayton and Niles, Ohio; Norfolk, Va.; Los Angeles, Calif.; Chicago, Ill.; Atlanta, Ga.; and Hartford, Conn.; that, when so shipped, the article was misbranded under 502 (a) in that its labeling contained false and misleading representations that the article contained physiologically active glandular substances; that the glandular constituents of the article were of value in overcoming glandular deficiencies in the human male; that the article would increase male power; that it was an adequate and effective treatment for male sexual weakness, mental depression, loss of appetite, digestive disturbance, loss of muscle power, listlessness, headaches, loss of vigor, nervousness, vague aches and pains, sleeplessness, and irritability; that it contained hormonal activity equivalent to therapeutically significant amounts of testosterone; and, that by reason of such shipments, the defendant was in criminal contempt of the permanent injunction.

**DISPOSITION:** On 9-16-54, the order to show cause was issued, and on 10-11-54, the defendant pleaded guilty to violation of the injunction. On 11-14-54, the court fined the defendant \$500.

**4758. Alfa-Tone and Cab-Ext (2 seizure actions). (F. D. C. No. 37357. S. Nos. 64-766/7 L.)**

**QUANTITY:** 1,524 unlabeled 90-tablet btls. and 250 labeled 90-tablet btls. of *Alfa-Tone* and 650 unlabeled 50-tablet btls. and 500 labeled 50-tablet btls. of *Cab-Ext* at Milton-Freewater, Oreg., in the possession of Dr. A. V. Downs, D. C.

**SHIPPED:** 7-7-54 and 7-14-54, from Lamar, Colo.

**LABEL IN PART:** (Btl.) "Alfa-Tone Each tablet contains 4 grs. water soluble Alfalfa Extract. 2 grs. of Alfalfa Seed Extract. 0.1 gr. of Chlorophyll" and "Cab-Ext Each tablet contains 400 Mg. of cabbage extract. As an aid in relieving ulcers and inflammation of stomach."

**ACCOMPANYING LABELING:** Loose labels designated "Alfa-Tone" and "Cab-Ext" and leaflets designated "Alfa-Tone As An Aid For Hay Fever, Low Vitality, Arthritis, Neuritis, Anemia, and Low Blood Pressure" and "Cabbage Juice."

**RESULTS OF INVESTIGATION:** Both articles were shipped from Lamar, Colo., in unlabeled bottles, and, upon their receipt by the consignee, the above-described labels were applied to a number of bottles. The leaflets were printed locally for the consignee and were distributed with the articles to various health store accounts serving the retail trade.

**LIBELED:** On or about 1-25-55, Dist. Oreg.

**CHARGE:** 502 (a)—the labeling of the articles while held for sale contained false and misleading representations that the *Alfa-Tone* was an adequate and